

**MAINE EMS
INVESTIGATIONS COMMITTEE MEETING
THURSDAY JUNE 21, 2007
DE CHAMPLAIN CONFERENCE ROOM, AUGUSTA
RATIFIED BY THE MAINE EMS BOARD – AUGUST 1, 2007**

MEETING MINUTES

Present: Rick Doughty, Paul Knowlton, Oden Cassidy, Carol Pillsbury,

Staff: Dawn Kinney, Alan Leo

Maine EMS Investigator: Karen Packard

AAG: Laura Yustak Smith, David Morin, Law Student Intern

1. Call To Order: The meeting was called to order at 9:35 a.m.

A. Additions/Deletions to the Agenda – None

2. Complaint/Investigation Cases 07-24.

The committee entered executive session for the purpose of review and reviewing investigation and discussing case, 07-24.

Motion: To enter executive session pursuant to 32 M.R.S.A. §90(A)(3), §92(3) and 1 M.R.S.A. §405(6)(F) for the purpose of discussing case 07-24. (Doughty; Knowlton - motion carries)

The committee entered executive session at 9:50 a.m. and exited at 10:25 a.m.

During executive session, the committee discussed options for disposition of case 07-24.

Motion: In case 07-24, The Committee directed staff to notice Licensee and to schedule an Informal Conference. (Doughty; Pillsbury – motion carries).

3. Informal Conference – Case 07-05, 07-12, 07-10 and 07-23

A. Case # 07-05

Motion: To enter executive session pursuant to 32 M.R.S.A. §90(A)(3), §92(3) and 1 M.R.S.A. §405(6)(F) for the purpose of conducting an informal conference concerning case 07-05. (Doughty; Cassidy – motion carries)

The committee entered executive session at 10:35 a.m. and exited at 11:05 a.m.

During executive session, the committee met with the Licensee and discussed options for disposition of case 07-05.

Motion: In case 07-05, The Committee finds that Licensee violated Maine EMS Rules (dated September 1, 2006) Chapter 11§ (1)(2) Violation a lawful order, rule or consent agreement of the

Board; Chapter 11§ (1)(30) [Providing treatment at a level for which a person is not licensed]; and 32 M.R.S.A. §82 (1) License required [emergency medical services person may not operate or practice unless duly licensed by the Emergency Medical Services' Board pursuant to this chapter]. This violation is based on the Licensee providing patient care with an expired license during a period from July 1, 2005 to August 22, 2005. The Committee found aggravating circumstances in that: Licensee responded to 4 ambulance calls during the period without a license; Licensee did not notify MEMS of his address change. The Committee found mitigating circumstances in that Licensee had received the required training and was eligible for licensure prior to providing patient care in July and August 2005; Licensee received a 90 suspension from his service resulting in loss of income; and there was no patient harm. In consideration of the mitigating factors the Committee proposes to resolve this investigation with a Consent Agreement to include a reprimand. Investigation 07-05 will be resolved and closed with the execution of the Consent Agreement by all parties. (Doughty; Cassidy – motion carries).

B. Case # 07-12

Motion: To enter executive session pursuant to 32 M.R.S.A. §90(A)(3), §92(3) and 1 M.R.S.A. §405(6)(F) for the purpose of conducting an informal conference concerning case 07-12, and 1 M.R.S.A. §405(6)(E) for receiving legal advice. (Doughty; Cassidy - motion carries).

The committee entered executive session at 11:40 a.m. and exited at 12:30 p.m.

During executive session, the committee met with the Licensee and discussed options for disposition of case 07-12.

Motion: In case 07-12, the Committee does not find any MEMS Rules violations or protocol violations. The Committee will resolve this investigation with a Letter of Guidance to remind Licensee of MEMS Rules Chapter 2 §27 [Non-Emergency Response Mode]; inform Licensee that the choice of treatment is the responsibility of the highest trained provider; and that the EMS provider has the authority to review the records accompanying the patient in an Emergency or Non-Emergency transport or transfer. The Letter of Guidance will be kept on file for 1 year. The Committee considers this investigation 07-12 resolved and closed with the issuance of the Letter of Guidance. (Doughty; Knowlton – motion carries).

C. Case # 07-10

Motion: to enter executive session pursuant to 32 M.R.S.A. § 90-(A)(3), § 92(3) and 1 M.R.S.A. §405(6)(F) for the purpose of conducting an informal conference concerning case 07-10, and pursuant to 1 M.R.S.A. §405(6)(E) for receiving legal advice. (Doughty; Cassidy - motion carries).

The committee entered executive session at 1:25 p.m. and exited at 2:15 p.m.

During executive session, the committee met with the Licensee and discussed options for disposition of case 07-10.

Motion: In case 07-10, The Committee finds that Licensee violated Maine EMS Rules (dated September 1, 2006) Chapter 11§ (1)(30) [Providing treatment at a level for which a person is not licensed.]; and 32 M.R.S.A. §82 (1) License required. [emergency medical services person may

not operate or practice unless duly licensed by the Emergency Medical Services Board pursuant to this chapter]. This violation is based on the Licensee providing patient care with an expired license during a period from October 1, 2006 to February 28, 2007. The Committee found aggravating circumstances in that: Licensee responded to 13 ambulance calls during this period. The Committee found mitigating circumstances in that Licensee had received the required training and was eligible for licensure prior to providing patient care from October 1, 2006 to February 28, 2007; Licensee took responsibility; and there was no patient harm. In consideration of the mitigating factors the Committee will resolve this investigation with a Consent Agreement to include a reprimand and a \$100.00 fine. (Doughty; motion dies for lack of a second)

Motion: In case 07-10, The Committee finds that Licensee violated Maine EMS Rules (dated September 1, 2006) Chapter 11§ (1)(30) [Providing treatment at a level for which a person is not licensed.]; and 32 M.R.S.A. §82 (1) License required. [emergency medical services person may not operate or practice unless duly licensed by the Emergency Medical Services' Board pursuant to this chapter]. This violation is based on the Licensee providing patient care with an expired license during a period from October 1, 2006 to February 28, 2007. The Committee found aggravating circumstances in that: Licensee responded to 13 ambulance calls during this period. The Committee found mitigating circumstances in that Licensee had received the required training and was eligible for licensure prior to providing patient care from October 1, 2006 to February 28, 2007; Licensee took responsibility; and there was no patient harm. In consideration of the mitigating factors the Committee will resolve this investigation with a Consent Agreement to include a reprimand. Investigation 07-10 will be resolved and closed with the execution of the Consent Agreement by all parties. (Cassidy; Knowlton – Doughty opposed - motion carries).

D. Case # 07-23

Motion: to enter executive session pursuant to 32 M.R.S.A. § 90-(A)(3), § 92(3) and 1 M.R.S.A. §405(6)(F) for the purpose of conducting an informal conference concerning case 07-23, and 1 M.R.S.A. §405(6)(E) for receiving legal advice. (Doughty; Cassidy - motion carries).

The committee entered executive session at 2:25 p.m. and exited at 3:40 p.m.

During executive session, the committee met with Licensee and discussed options for disposition of case 07-23.

Motion: In case 07-23, The Committee directed staff to continue investigation and to have Licensee surrender his license issued to him by the Board pursuant to the terms of the current consent agreement. (Doughty; Pillsbury – motion carries).

4. Applications

A. Mike Nicholas

The Committee reviewed the Applicant's license application and documents. *Motion: The Committee directed staff to schedule an Informal Review for July. (Pillsbury; Doughty – motion carries).*

5. Next Meeting

The next meetings are scheduled for Wednesday, July 18th and Thursday, July 19th, 2007 at 09:30 a.m.

6. Adjourn

Adjourn – The meeting was adjourned at 4:00 p.m.

Respectfully submitted,

Dawn Kinney, EMT-P
Licensing Agent